

**IN THE MAGISTRATE COURT OF FAYETTE COUNTY
STATE OF GEORGIA**

Plaintiff

Address

V.

MV

Defendant

Address

AFFIDAVIT

Personally appeared _____ Plaintiff herein, or on oath says that (he)(she) is Agent or Attorney in fact or at law for Plaintiff herein and authorized to make this affidavit, and that _____ Defendant, is indebted to said Plaintiff in the principal amount of _____ dollars together with _____ dollars interest thereon, upon a (Security Agreement — Contract Retaining Title) in and who, on oath, says that the original thereof, or a true copy of same, is attached hereto and made a part hereof, and that said indebtedness is past due, and that the Defendant is either now a resident of **Fayette County, Georgia**, or was a resident thereof at the date said writing was executed, and that this affidavit is made for the purpose of foreclosing said writing, obtaining a writ of possession for the property described therein.

(If Affiant alleges that the security interest at issue arose out of a “commercial claim” as defined by Code, 44-14-237 as amended, and that the Defendant has waived same or all of the rights and provisions contained in Code, 44-14-230 a copy of such waiver shall be attached hereto and such attachment shall be construed as an allegation, under oath, of such waiver.)

Sworn to and subscribed before me
this _____ day of _____, 20_____.

Deputy Clerk

Affiant

**IN THE MAGISTRATE COURT OF FAYETTE COUNTY
STATE OF GEORGIA**

MCC _____

SUMMONS

TO THE ABOVE NAMED DEFENDANT:

The defendant _____ herein _____ hereby commanded and required personally or by attorney to file with the Clerk of the **Magistrate Court of Fayette County, 1 Center Dr., Room 135, Justice Center, Fayetteville, Georgia 30214**, within seven (7) days from the date of service of the within affidavit and summons, or on the first business day thereafter if the seventh day falls on a Saturday, Sunday, or legal holiday, then, and there to answer said affidavit in writing or orally. If the defendant fails to answer on or before the seventh day from the date of service, the defendant may reopen the default as a matter of right by making an answer within seven days after the date of the default notwithstanding the provision of Code Section 9-11-55 of the Official Code of Georgia Annotated. If the seventh day is a Saturday, Sunday, or a legal holiday, the answer may be made on the next day which is not a Saturday, Sunday, or a legal holiday. The last possible date on which the defendant may answer is the _____ day of _____, 20_____. If answer is not so made, a writ of possession shall issue against you as by law provided, pursuant to plaintiff's affidavit.

Witness the Honorable **Charles R. Floyd, Jr.**, Chief Judge of said Court.

This _____ day of _____, 20_____.

Deputy Clerk

Georgia, **Fayette County.**

I have this day served the Defendant _____
personally with a copy of the within Affidavit and Summons.

This _____ day of _____, 20_____.

Constable

Georgia, **Fayette County.**

I have this day served the Defendant _____ a
Corporation, by leaving a copy of the within Affidavit & Summons with _____
_____, a person in charge of the office and place of doing business of said Corporation,
in Fayette County, Georgia.

This _____ day of _____, 20_____.

Constable

Georgia, **Fayette County.**

I have this day served the Defendant _____ by
leaving a copy of the affidavit and summons at his most notorious place of abode in the county by leaving
same into the hands of _____, domiciled at this residence of
defendant.

This _____ day of _____, 20_____.

Constable

Georgia, **Fayette County.**

Diligent search made and Defendant _____ not
to be found in the jurisdiction of this Court.

This _____ day of _____, 20_____.

Constable